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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,635	09/30/2005	Gloria Silva	09163000.110000US	5452

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EXAMINER	
PRYOR, ALTON NATHANIEL	
ART UNIT	**PAPER NUMBER**
1616	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,635	SILVA, GLORIA	
	Examiner	Art Unit	
	ALTON N. PRYOR	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's arguments filed 12/30/08 have been fully considered but they are not persuasive. See argument below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWinter-Scailteur (SPN 5252537;10/12/93) and Carstairs et al. (USPN 5677019; 10/14/97). DeWinter-Scailteur teaches a process for preserving natural flowers comprising a grid for receiving flowers and several process steps of dehydrating flowers wherein flowers are immersed in solvent, DeWinter—Scailteur teaches an infiltration step wherein flowers are immersed in a bath comprising colorants, solvent and polymer (PEG). See column 1 line 48 – column 4 line 54. DeWinter-Scailteur does not teach the dehydration step comprising alcohol (column 3 lines 1-54). However, Carstairs et al. teaches a process for preserving cut flowers using alcohol. It would have been obvious to one having ordinary skill in the art to modify the invention of DeWinter-Scailteur to include alcohol taught by Ando et al. One would have been motivated to do this in order to promote complete dehydration. With respect to amounts and temperatures one would have been expected to determine the optimum amounts and temperatures. One would have been motivated to do this in order properly dehydrate flowers.

Response to Applicant's argument

Applicant argument that the Examiner failed to make obvious a case for rejection under 35 USC 103(a) because the Examiner not identify a reference for each limitation of claim 1, including selecting and cutting the flowers, at least three dehydration steps and the evaporation step. DeWinter-Scailteur teaches only one dehydration step as opposed to the three conservative dehydrations recited in instant claims. The Examiner argues that for the instant process it is inherent that an artisan would have to select and cut flowers in order to practice the process. Therefore, DeWinter-Scailteur process for preserving natural flowers would inherently involve identifying/selecting a flower and then cutting the selected flower prior to preserving the flower. With respect to the dehydration step, DeWinter-Scailteur teaches more than one drying or dehydration step. See column 2 lines 7-12 and column 3 lines 21-29 where it is taught that natural flowers undergo a dehydration stage involving the exposure of organic solvents to the flowers to make the flowers transparent and colorless and where a dehydration step using molecular sieves followed by an infiltration step is taught. Thus, DeWinter-Scailteur teaches at least two dehydration steps. DeWinter-Scailteur appears to suggest that colorless flowers can be obtained with only two dehydration steps as opposed to the three dehydration steps recited in the instant claims.

Applicant argues that it is impossible in a one-step dehydration process to obtain clear or white flowers. The Examiner argues that DeWinter-Scailteur teaches that natural flowers undergo a dehydration stage involving the exposure of organic solvents

to the flowers in order to make the flowers transparent and colorless (column 3 lines 21-29).

Applicant argues that it would not be obvious to combine Carstairs et al with DeWinter-Scailteur to include alcohol to promote complete dehydration. Carstairs et al teaches a method of preserving plants' natural color, whereas instant claim 1 removes all natural pigments in order to dye flowers with other colors. The Examiner argues that claims do not recite that all natural pigments are removed by instant process for the purpose of using dye to color flowers. For this reason, the recitation of such a statement in Applicant's response has no patentable significance since the limitation is not in the claims. The purpose for employing Carstairs et al is to show that alcohols are used to facilitate the complete dehydration of flowers (see claims). Since both DeWinter-Scailteur and Carstairs et al are involve the dehydration of flowers using organic solvents, it would have been obvious to modify the invention of DeWinter-Scailteur to include the alcohols taught by Carstairs et al to facilitate flower dehydration.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALTON N. PRYOR whose telephone number is (571)272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alton N. Pryor/
Primary Examiner, Art Unit 1616